

By: Noriega

H.B. No. 2380

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the subpoena authority of the Texas State Board of
3 Examiners of Psychologists.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 501, Occupations Code, is
6 amended by adding Section 501.207 to read as follows:

7 Sec. 501.207. SUBPOENAS. (a) In an investigation of a
8 complaint filed with the board, the executive director or presiding
9 officer of the board may issue a subpoena to compel the attendance
10 of a relevant witness or the production, for inspection or copying,
11 of relevant evidence that is in this state.

12 (b) A subpoena may be served personally or by certified
13 mail.

14 (c) If a person fails to comply with a subpoena, the board,
15 acting through the attorney general, may file suit to enforce the
16 subpoena in a district court in Travis County or in the county in
17 which a hearing conducted by the board may be held.

18 (d) On finding that good cause exists for issuing the
19 subpoena, the court shall order the person to comply with the
20 subpoena. The court may punish a person who fails to obey the court
21 order.

22 (e) The board shall pay for photocopies subpoenaed under
23 this section a reasonable fee in an amount not to exceed the amount
24 the board may charge for copies of its records.

1 (f) The reimbursement of the expenses of a witness whose
2 attendance is compelled under this section is governed by Section
3 2001.103, Government Code.

4 (g) Information and materials subpoenaed or compiled by the
5 board in connection with the investigation of a complaint may be
6 disclosed only as provided by Section 501.205.

7 SECTION 2. Section 501.207, Occupations Code, as added by
8 this Act, applies only to a complaint filed on or after the
9 effective date of this Act. A complaint filed before the effective
10 date of this Act is governed by the law as it existed immediately
11 before the effective date of this Act, and that law is continued in
12 effect for that purpose.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.